

MINUTES
Regular Meeting of the College Park City Council
Tuesday, June 17, 2014
7:35 p.m. – 9:46 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stullich, Day, Hew and Mitchell.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning.

Mayor Fellows opened the Regular Meeting at 7:35 p.m. after an earlier Closed Session. Councilmember Kabir led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Mitchell and seconded by Councilmember Stullich to approve the minutes of the Special Session on May 6, 2014; Public Hearing on Constant Yield Tax Rate on May 13, 2014; Public Hearing on Ordinance 14-O-02 on May 13, 2014; Regular Meeting of May 13, 2014; Public Hearing on Ordinance 14-O-03 on May 27, 2014; Regular Meeting on May 27, 2014. The motion passed 8 – 0 – 0.

Announcements:

Councilmember Wojahn announced a meeting on Thursday, June 19 at Davis Hall about safety concerns at Davis Field.

Councilmember Brennan said the Berwyn District Civic Association would hold their monthly meeting on Thursday, June 19 at Fealy Hall.

Councilmember Hew announced a tour of a permaculture garden in Bowie at 7:00 p.m.

Mayor Fellows reminded everyone to get out and vote in the primary next Tuesday.

Amendments to the Agenda: None.

City Manager's Report: Mr. Nagro reminded everyone of the Council's summer meeting schedule, and said Early Voting continues through June 19 at the College Park Community Center.

Comments from the Audience on Non-Agenda Items:

Dave Dorsch, 4607 Calvert Road: Asked the City to urge the County and other parties to act on the WSSC 2013 report that identified certain "fixes" to the County's storm drain system because parts of the City flooded in the rain last week which is very costly for the homeowner.

CONSENT AGENDA:

A motion was made by Councilmember Wojahn and seconded by Councilmember Dennis to adopt the Consent Agenda, which consisted of the following:

- 14-G-63 Award of a three year contract for Auditing Services to SB & Company, LLC of Hunt Valley, MD in the amount of \$54,343 and authorization for the City Manager to execute an engagement agreement.**
- 14-G-64 Motion to voice no objection to the transfer of a Class D, Beer and Wine License to Jimmy Louis Constantinou, President/Treasurer, Bruno Anthony Fabi, Jr., Mark Alexis Proctor, Assistant Secretary, for the use of Mamma Lucia's of College Park, Inc., t/a Mamma Lucia's, 4734 Cherry Hill Road, College Park, 20740, subject to the applicant entering into a new PUA with the City, and authorization for the City Manager to sign the PUA and send a letter to the BOLC stating the City's position.**
- 14-R-13 Resolution to approve amendment to the City's Parking Violation Review Policy to require that the Parking Violation Review Officer reduce the fine for an invalid tag violation issued under §184-11(A) of the City Code to \$0, and that City staff withdraw a violation notice, under certain circumstances.**
- 14-G-66 Approval of allocation of FY '15 POS funding in the amount of \$129,169.03 to the Hollywood Gateway Park project and creation of a new acquisition project for the expansion of Hollywood Gateway Park utilizing previous POS allocations for acquisition**

The motion passed 8 – 0 – 0.

ACTION ITEMS

- 14-R-12 Resolution of the Mayor and Council of the City of College Park to allow Chapter 127 Rent Stabilization to sunset on September 1, 2014**

A motion was made by Councilmember Day and seconded by Councilmember Dennis to adopt Resolution 14-R-12, a Resolution of the Mayor and Council of the City of College Park to allow Chapter 127 Rent Stabilization to sunset on September 1, 2014.

Councilmember Day read the resolution. He said that the City has addressed many of the issues that the original 2005 law raised. Over 1,500 beds have been added at the University and 4,300 beds in the City and there are approximately another 3,000 beds in the pipeline. The landlords have come to the table to help the City address these issues. This law has met its end and we need to find other ways to address these issues.

Comments from the audience:

Adele Ellis, 4608 Beechwood Road: The landlords only came to the table after they lost their lawsuit against this law. Some rental properties are still a quality of life issue; not all landlords are at the table. The City needs more recent data on housing trends before deciding this issue. The City's first responsibility is to the families that live here. The law should be kept on the table as a future option.

Kathy Bryant, 7406 Columbia: She is opposed to the sunset of the rent stabilization law. She appreciates what the Neighborhood Stabilization Committee has done but it hasn't solved or eliminated the problems. We need as many tools as we can to address problems.

Lewis Zietz, Executive Director, Prince George's Property Owners Association, 1107 Spy Glass Drive, Arnold, MD: They do not condone bad behavior from tenants or landlords, but they don't believe that having this ordinance impacts that. His association represents 150 landlords; they are an integral part of the economy in this community. They support the student code of conduct and greater enforcement of the codes that are on the books. The City should suspend the rental licenses of landlords who have multiple/repeated violations. This ordinance can't be justified in light of the amount of student housing that has been built. The high rises that are exempt from rent stabilization have no incentive to reduce their rents. This is hampering our ability to move forward.

Lisa Miller: The landlords were not previously "at the table" because they had been told by former City officials, "we can do what we want, if you don't like this law, sue us." They sympathize with the quality of life issues but this law will not impact that. If you artificially keep home prices low, you will incentivize more investors to buy property because more people want to live in lower-priced housing rather than the high rises. She moved out of the City because of the schools. You can't convince families with kids to move to the City until you address the education issues. This law is a hammer; if this is a true partnership it is time to look at some carrots. This law is a security blanket that the City can't get rid of even though it is tattered.

Richard Biffl, 7002 Chansory Lane, Hyattsville, MD 20782, Chair of Rent Stabilization Board: When the University of Maryland was designated the Flagship Campus they didn't build additional housing so students flooded certain neighborhoods. The Rent Stabilization act was enacted to eliminate overcrowding of houses because expensive homes need lots of tenants to defray the costs. High rents caused the value of the property to climb beyond what the market would allow for a family so families were encouraged to sell out to investors. The law was tied up in litigation for 10 years and many landlords never came into compliance. It was on the eve of enacting the law that the landlords came to the table. He thinks it is worthwhile to keep this ordinance on the books and keep it suspended.

Linda Simpson, Prince George's County Association of Realtors, 9200 Basil Court, #400, Largo MD 20774: Her organization supports the sunset of this law. While well-intentioned, this concept favors some citizens over others. The renters receive a benefit while the property owners sacrifice the right to a free and open market. If you have a law on the books that is not enforced, you probably don't need the law. They support the recommendations of the Prince

George's Property Owners Association. Owners with rent control have little incentive to make property repairs.

Todd Waters, 4619 Fordham Road: He is a student renter in College Park. What impact would this ordinance have, if enforced, on the lower income renters in the neighborhood. What if this was extended to the high-rises – would the landlords then support it?

John Hawvermale, 1342 Excaliber Lane, Sandy Spring, MD, 20860: He said the City has a history of discriminating against students and cited the “mini-dorm” bill. For many years the City was not interested in working with the landlords and the University was not concerned with anything that happened off campus. There is a more collaborative effort now to solving problems. The Council has passed other anti-discrimination legislation yet there are certain Councilmembers that still support rent control which is designed to move students out of the neighborhoods.

Tim Morrison, 6703 Rhode Island Avenue: He urged the Council to sunset the ordinance. Some new families are moving in to the area. He is looking for a better relationship with the Mayor and Council; he remembers when it used to be more contentious.

Andy Miller: The University used to be 10,000 beds short so there was a huge market for rentals. Today they are only 7,000 beds short. He commends the Council for pushing high rise housing, but the ordinance doesn't cover them. Students are paying over \$1,000 a month in the high rises. The ordinance has led to unintended consequences, such as property values: The 2006 median home price was \$385,000. In 2012 the median home price was \$216,500, a decrease of 45%. It has come back somewhat in 2014 so it is down 37%. If you live in College Park, the real estate values are 35% off. There are 917 rental licenses and 3771 detached homes in College Park. His taxes are the same as three owner-occupied houses because of the homestead exemption.

Dave Dorsch: Discussed the original Sage Policy report and rent stabilization ordinance with 17 “Whereas” clauses, many of which were not true. At the time, the publicly stated reason for rent control was an insufficient amount of student housing which caused students to overrun the neighborhoods. It was supposed to be temporary. Since 2005 over 6,000 new student beds have been added and many thousands more are in the works. There is no shortage of student housing. He discussed the mini-dorm bill, the City's efforts to control where students live, discrimination against students, and the Council trying to keep the landlords in line with the “stick” approach. He wants Council to allow this ordinance to expire.

Councilmember Stulich agrees that the Neighborhood Quality of Life Committee is doing important work to address the root issues, but it is important that we not declare success when we don't have the evidence. It hasn't gotten better yet in Old Town. The problems are severe and make it hard for families to live in some of our neighborhoods. Saying the City is discriminating against students is not accurate; students were among the early supporters because of their concerns about high rent. The reason the ordinance didn't extend to high rises is because we wanted to incentivize developers to build student housing. There has been a steady increase in

the number of single family houses that are used as rentals. The number of owner-occupied houses decreased 6% from 3,277 to 3,087 from 2006 - 2010. We should get more recent data before deciding this question. Her hope is to reduce the trend where long term residents are being driven out of our neighborhoods.

Councilmember Wojahn said there were two main reasons the Council established rent stabilization in 2005: to regain a balance in the types of housing and to address quality of life concerns. We are working toward this end but it is too early to say this has been accomplished. Until we can look at metrics to say that we have accomplished these goals we need to have all of the tools in our toolbox.

Councilmember Brennan said he is sorry that students are not here because he would like to hear their perspective. He is concerned about his community disappearing; he would like to see families and students existing together. We do not have the data before us to measure the impact this ordinance and the strategies have had on our community. We should identify a path toward sunseting this law, engage a new market study, find tools that are more targeted to address community concerns, and work to implement the C and D strategies from the Quality of Life report.

Councilmember Day bought a rental property when he moved his family here and turned it into his family home. He has served the City in a quasi-judicial capacity on several different boards including the Rent Stabilization Board. Students are not the only people who rent in College Park. Rent Stabilization should not be used as a code enforcement tool. We have a code enforcement issue in District 3. He was one of the first people who reached out to the landlords and has worked on this for a very long time. This law is not appropriate anymore; it is time to sunset it. We need to make this work and bring everyone to the table to move it forward.

Councilmember Hew had mixed feelings about this. When they tried to buy their house in College Park they were grossly overbid by a landlord. He saw this as a bargaining chip. The timing is bad – things are just now coming together with the Neighborhood Stabilization Committee working out these problems and he doesn't want to jeopardize the relationship. He will support the sunset to show faith in the process and the progress.

Councilmember Kabir thinks it is time to sunset this law. All of the stakeholders are working together at one table. Things have changed since 2005. The other parties are our partners, not our opponents. We have made progress and there is more to do. How many of the 63 strategies have to be implemented before they will be ready to sunset the law? This law has cost the City tens of thousands of dollars. We need a free market rental rate.

Mayor Fellows said he is the only current elected official who was on the Council when rent stabilization was passed. He agrees that the mini-dorm bill was discriminatory. There are still some landlords who rent just to make money and don't care about the students or the community. He has a lot of experience living in rent stabilized communities. Rent control communities like rent control and he sees it as a positive regulatory tool. What we passed in 2005 was one of the least stringent laws and we were still taken to court. Because of litigation it

has not had the chance to be tested. Keeping the law and suspending enforcement is an olive branch we extended to show our intentions to work with the landlords. The quality of life issues are very real issues. If he has to vote to break a tie, he would vote not to sunset this law. He would also support continued suspension of enforcement, which he thinks is very reasonable and not burdensome.

Councilmember Stullich said not all landlords are “at the table” and many continue to be uncooperative. The landlord certification program that was adopted by the PGPOA is a watered-down version of what was originally proposed. She is concerned that if rent stabilization is sunset the number of investment properties would increase. She is hopeful we will make progress but doesn’t think we have made enough yet.

Councilmember Wojahn said he has heard a lot of facts and figures tonight but says we can’t tell for certain what impact rent stabilization has had on the demand for rental housing in our neighborhoods. He supports doing a study to see if we have achieved the goals we wanted to achieve. It will take time to look into these issues further before we sunset the law.

Roll Call Vote:

Aye: Mitchell, Hew, Day, Dennis, Kabir

Nay: Stullich, Brennan, Wojahn

The motion carried 5 – 3 – 0.

14-R-15 Resolution Of The Mayor And Council Of The City Of College Park To Amend The Declaration Of Covenants And Agreement Regarding Land Use Between The City And Toll Bros., Inc. To Require That The Rossburg Drive Right Of Way To Be Vacated By Vacation Petition V- 13008 Be Deeded To The City In The Event That The Project Authorized By Detailed Site Plan DSP-13025 Is Not Constructed

A motion was made by Councilmember Day and seconded by Councilmember Kabir to adopt Resolution 14-R-15 to amend the Declaration of Covenants and Agreement Regarding Land Use between the City and Toll Bros., Inc. to require that the Rossburg Drive right-of-way, if closed and then vacated by Vacation Petition V-13008, be deeded to the City in the event that the project authorized by Detailed Site Plan DSP-13025 is not constructed.

Councilmember Day said the Council previously supported DSP-13025, which relates to the redevelopment of the Knox Box area by Toll Brothers, Inc., (Toll). As part of that process, the City and Toll entered into a Declaration of Covenants and Agreement Regarding Land Use. The DSP and construction of the Project are dependent upon the permanent closure and vacation of Rossburg Drive, currently in use as a public way under City jurisdiction. Once the vacation petition is granted, title to the area encompassed by Rossburg Drive will automatically revert to Toll as owner of the property. The City wishes to ensure that, if the project is not constructed as

authorized by the DSP, or as amended with the consent of the City, then the title to the area shall revert by fee simple deed to the City for a public use. This Resolution amends the Declaration to include a requirement that Toll own the property at the time of the Planning Board hearing with respect to vacation petition V-13008 and that in the event the project is not constructed pursuant to the DSP, as currently approved or as amended with consent of the City, then the area encompassed in Rossburg Drive shall be transferred to the City by Toll and or Toll College Park, in fee simple by deed.

There were no comments from the audience.

Ms. Ferguson said she and Mr. Haller have been working on these amended documents all week. The permanent closure of Rossburg Drive is contingent on a number of items as listed in the resolution; this resolution concerns one of them: that the existing Declaration of Covenants be amended. Mr. Haller said that all of these conditions had been contemplated at the time of the original covenant with the City, but the details had not been worked out until now. This has the support of all the parties to the transaction. They are ready to move forward with approval of this and the next resolution.

There were no comments from Council.

The motion carried 8 – 0 – 0.

14-R-14 Resolution Of The Mayor And Council Of The City Of College Park To Authorize The Permanent Closure And Vacation Of Rossburg Drive Subject To Certain Conditions

A motion was made by Councilmember Day and seconded by Councilmember Mitchell to adopt Resolution 14-R-14 to authorize the permanent closure, and consent to vacation of Rossburg Drive through Vacation Petition V-13008, subject to certain conditions.

Councilmember Day said the Council previously supported DSP-13025, which relates to the redevelopment of the Knox Box area by Toll Brothers, Inc., (Toll). The parties entered into a Declaration of Covenants. This project is now referenced as Terrapin Row. During discussion of this DSP, it was clear that the project is dependent upon the permanent closure and vacation of Rossburg Drive. The City agreed to support this closure in order to enable the project to be built. The resolution places certain conditions that must be complied with by Toll in order to obtain the City's authorization and consent.

There were no comments from the audience or from Council.

The motion carried 8 – 0 – 0.

14-G-67 Establishment of a temporary residential permit parking zone on Autoville Drive, Blackfoot Place and Cherokee Street (around Monument during construction) and limited three-hour parking on Erie

A motion was made by Councilmember Hew and seconded by Councilmember Dennis that the City Council establish a temporary residential permit parking zone and limited 3-hour parking to include the following:

- That Autoville Drive, Cherokee Street, and Blackfoot Place be temporarily restricted to residential permit parking only, to be enforced seven (7) days a week, twenty four (24) hours a day; and,**
- That Erie Street be temporarily signed for '3 Hour Limit' parking, to be enforced seven (7) days a week, from 7:00 a.m. to 10:00 p.m.; and,**
- That, unless extended by Council action, these restrictions take effect at least 2 weeks prior to the initiation of construction for the Monument project; and cease no later than 2 weeks after the issuance of U&O permits for this project; and**
- That up to five (5) parking permits - one per vehicle registered to that address with City of College Park Parking Enforcement - and two (2) visitor parking passes be provided to each residential property address within the affected area; and**
- That all permit costs associated with the temporary permit parking restrictions, during construction, be waived for residents of the proposed affected streets during the construction period; and,**
- That upon completion of construction it shall be determined by petition of the residents to the City Council to keep the permit restrictions in place, or to change the days and hours of enforcement from these original restrictions, and ,**
- That if residents petition, and Council approves to keep the permit restrictions in place following completion of construction, then each year thereafter an annual fee of \$10.00 per permit and \$1.00 per visitor pass, or current fees, shall be charged to the residents in this residential permit parking zone.**

Councilmember Hew stated that there was discussion with the residents during the development of the covenants for this project and it became clear that Monument would not always be able to provide parking for their construction workers on site. We found it necessary to provide residents with some protection against construction workers parking on their streets. The residents are behind this plan. We will see if they continue to support the permit restrictions once construction is done.

There were no comments from the audience or from the Council.

The motion carried 8 – 0 – 0.

14-G-68 Approval of a letter to SHA regarding improvements to MD 430

A motion was made by Councilmember Brennan and seconded by Councilmember Dennis to send a letter to the State Highway Administration thanking them for their detailed response to previous City correspondence regarding MD 430 and offering collaboration to evaluate the effectiveness of those changes and other safety improvements on state roads in the City.

Councilmember Brennan said we have a challenge to advocate for safer roads in our City. As the SHA studies existing conditions and applies their standards to state roadways in the City, it is important that we help promote the environment and behavior that we seek when it comes to pedestrian safety and safe roads.

There were no comments from the audience or from the Council.

The motion passed 8 – 0 – 0.

14-CR-01 Introduction of Charter Amendment Resolution 14-CR-01, a Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article V “Charter Amendments”, §C5-1, “Procedure For Petition” To Require Certain Information To Be Included On Referendum Petitions.

A motion was made by Councilmember Wojahn and seconded by Councilmember Brennan to introduce 14-CR-01, a Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article V “Charter Amendments”, §C5-1, “Procedure For Petition” To Require Certain Information To Be Included On Referendum Petitions.

Mayor Fellows announced the Public Hearing will be held August 12, 2014 at 7:15 p.m.

14-G-69 Appointment to Boards and Committees

A motion was made by Councilmember Wojahn and seconded by Councilmember Day to appoint Betty Gailes to the Animal Welfare Committee. The motion passed 8 – 0 – 0.

14-G-70 Approval of a cooperation agreement with the Prince George’s County Department of Housing and Community Development for participation in the CDBG program for federal fiscal years 2015 – 2017.

A motion was made by Councilmember Dennis and seconded by Councilmember Wojahn to approve a Cooperation Agreement with the Prince George’s County Department of Housing and Community Development for participation in the Community Development Block Grant (CDBG) program and HOME Investment Partnerships (HOME) program for federal fiscal years 2015-2017 and to authorize the City Manager to sign the agreement.

Councilmember Dennis said that a municipality may elect to participate as a unit of general local government and include the municipality's population with that of the county's unincorporated areas in determining the amount of the county's annual entitlement funding from the U. S. Department of Housing and Urban Development (HUD). If the city elects to participate, a signed Cooperation Agreement must be submitted to the county by June 30, 2014. A municipality may elect not to participate in determining the county's entitlement status, in which case the municipality must notify HUD and Prince George's County no later than June 20, 2014. Participating municipalities may be eligible to receive project funding assistance through the CDBG and, where applicable, HOME programs for the period July 1, 2015 through June 30, 2017. Municipalities that don't participate may be eligible to apply for funding assistance through the State of Maryland Small Cities CDBG program during this period. The City of College Park previously entered into a Cooperation Agreement with the county for federal fiscal years 2012 – 2014. The city was awarded \$217,000 in CDBG funding in 2012 and no funding in 2013 and 2014.

There were no comments from the audience or from the Council.

The motion carried 8 – 0 – 0.

COUNCIL COMMENTS:

Councilmember Dennis was the City's flag bearer at the MML convention. He asked that the City consider upgrading our City flag and possibly changing the logo. He also requested that we consider using the phrase "home of the world's oldest continually operating airport" during the parade of flags.

Councilmember Brennan said that rent stabilization is not the only way to achieve quality of life for our residents and he hopes we continue to reassess our current ordinances so that we can take specific and targeted action when needed.

Councilmember Wojahn discussed his attendance at the Leaders Council conference offered through Smart Growth America. He asked for a future Worksession discussion on the 48-hour rule for parking. We are doing a lot to encourage our residents to walk and take metro, so leaving a car on the street for more than 48 hours should be revisited.

Mayor Fellows discussed the sunset of the rent stabilization law.

ADJOURN: A motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to enter into a closed session to consider the acquisition of real property for a public purpose and to consider the investment of public funds. The motion carried 8 – 0 – 0, and Mayor Fellows adjourned into closed session at 9:46 p.m. He said the Council would not return to public session.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Pursuant to §C6-3 of the College Park City Charter, at 7:03 p.m. on June 17, 2014, in the Council Chambers of City Hall, a motion was made by Councilmember Kabir and seconded by Councilmember Dennis to enter into an Executive Session to “Consult with Counsel on a legal matter.”

The motion passed 8 – 0 – 0.

Present: Mayor Andrew Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stullich, Day, Hew and Mitchell.

Absent: None.

Also Present: Joe Nagro, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning.

Topics Discussed: The City Attorney advised the City Council on rent stabilization legal issues.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to adjourn the Executive Session, and with a vote of 8 – 0 – 0, Mayor Fellows adjourned the Executive Session at 7:32 p.m.

Pursuant to §C6-3 of the College Park City Charter, at 9:45 p.m. on June 17, 2014, in the Council Chambers of City Hall, a motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to enter into an Executive Session to “Consider the acquisition of real property for a public purpose” and “Consider the investment of public funds.”

The motion passed 8 – 0 – 0 and after a brief recess the closed session convened at 9:51 p.m.

Present: Mayor Andrew Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stullich, Day, Hew and Mitchell.

Absent: None.

Also Present: Joe Nagro, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Catherine McGrath, Student Liaison.

Topics Discussed: The City Council considered the acquisition of a specific property.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Wojahn and seconded by Councilmember Dennis to adjourn the Executive Session, and with a vote of 8 – 0 – 0, Mayor Fellows adjourned the Executive Session at 10:24 p.m.